

14, and that the following be elected on the part of the Senate:

Senators Collins, Lattimore, Page, Hopkins, Robbins.

DEAN.

The motion was read and adopted, carrying the election of the committee named.

Adjournment.

At 4:45 o'clock p. m., Senator Westbrook moved that the Senate adjourn until 10 o'clock tomorrow morning.

The motion prevailed.

APPENDIX.

Petitions and Memorials.

Senator Hall offered a telegram from Capt. C. Nicolini of Galveston, opposing the zone bill.

The Chair filed numerous telegrams from Houston favoring suffrage bill; also a telegram from Texarkana on the same subject.

Senator Collins offered four numerously signed petitions from Orange in opposition to the zone bill.

Senators Clark and Buchanan of Scurry offered several petitions from citizens of their district in opposition to amendment of election law of the State.

Engrossing Committee Reports.

Committee Room,
Austin, Texas, March 7, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 17 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 7, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 18 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Room,
Austin, Texas, March 7, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 21 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

TENTH DAY.

Senate Chamber,
Austin, Texas,
Friday, March 8, 1918.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Clark.	McNealus.
Collins.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.
Gibson.	Woodward.
Hall.	

Absent—Excused.

Balley.	McCollum.
Hudspeth.	Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Johnson of Hall

Excused.

Senator Bailey was excused for today on account of illness on motion of Senator Faust.

Senator Smith for yesterday and the remainder of this week on account of important business on motion of Senator Suiter.

Petitions and Memorials.

Senator Strickland offered a mem-

orial relating to grand jury indictments of Jas. E. Ferguson. (See Appendix.)

Senator Hall made the point of order that the statements were in violation of the statutes of this State, in that it reveals proceedings had in a grand jury room.

The Chair overruled the point of order, holding that this Senate has no authority over the acts of grand jurors.

Senator Clark moved that the further reading of the instrument be dispensed with.

The motion was lost.

See Appendix for other petitions.

Committee Reports.

See Appendix.

Morning call concluded.

Senate Bill No. 20.

The Chair laid before the Senate on second reading:

S. B. No. 20, A bill to be entitled "An Act to provide for the teaching of lessons in patriotism in the public schools of the State, for the proper display of the United States flag in connection with every public school of the State, and directing the State Superintendent, county and city superintendents in the discharge of their duty relative thereto."

The committee report that the bill be not printed was adopted.

Senator Faust offered the following amendments which were read and adopted, seriatim:

(1) Amend Senate Bill No. 20, by striking out the period at the end of the preamble and inserting in lieu thereof a comma, and adding the words "and declaring an emergency."

(2) Amend Senate Bill No. 20, by adding after the word "of" the same being the twenty-first word in Section 3, of said bill, the words "public instruction in."

(3) Amend Senate Bill No. 20, by adding after the word "superintendents" the same being the forty-fifth word in Section 3, of said bill the words "of public instruction."

(4) Amend Senate Bill No. 20, by adding after the word "superin-

tendent," the same being the sixty-sixth word in Section 3 of said bill, the words "of public instruction."

(5) Amend Senate Bill No. 20, by adding after the word "superintendent," the same being the seventy-sixth word in Section 3 of said bill, the words of "public instruction."

The bill was read second time and passed to engrossment.

On motion of Senator Faust, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 20 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Hall.	

Absent.

Caldwell.	Johnson of Hall.
Clark.	Woodward.

Absent—Excused.

Bailey.	McCollum.
Hudspeth.	Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Faust, was passed by the following vote:

Yeas—24.

Alderdice.	Hall.
Bee.	Henderson.
Buchanan of Bell.	Hopkins.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.

Absent.

Clark.	Johnson of Hall.
Hudspeth.	Woodward.

Absent—Excused.

Bailey. Smith.
McCollum.

Senator Faust moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 10 as Special Order.

By unanimous consent and on motion of Senator Collins, Senate Bill No. 10 was set as a special order for next Monday at the conclusion of the morning call.

Bill Signed.

The Chair, President Pro Tem. Decherd, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 21, A bill to be entitled "An Act making appropriation of two thousand dollars as a fund to the Agricultural and Mechanical College at Bryan, Texas, for the purpose of experimenting and treatment of the Yucca Filamentosa, with the view of preparing same for stock food, this plant being in great abundance in the drouth stricken section of the State, and providing an emergency."

(Senator Hopkins in the chair.)

Senate Concurrent Resolution No. 6.

Whereas, The purposes for which the Fourth Called Session of the Thirty-fifth Legislature was called having been about all accomplished, and there being no further urgent need for further legislation which cannot be considered between this date and the 15th instant; therefore, be it

Resolved, That the Fourth Called Session of the Thirty-fifth Legislature adjourn sine die on March 15, 1918.

GIBSON.

The resolution was read and on motion of Senator Westbrook, the same was laid on the table subject to call.

Messages From the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with several executive messages.

The same were laid before the Senate and read, as follows:

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Ed H. Lange, Hon. Eugene Nordhaus, Hon. Wm. Schlesinger, Hon. R. H. Holland, and Hon. R. L. Carlock, I beg to submit the following subject for your consideration:

"An Act to amend Article 1028, Revised Civil Statutes of 1911, dealing with the fixing of rates for public utility corporations."

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session:

Gentlemen: At the request of Senator R. M. Johnston, of Harris County, I beg to submit for your consideration the following:

"An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas, and the county commissioners court of the county wherein located, to change, relocate, or abandon, any portion of its line when without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporations to change, relocate, or abandon, any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas, and the city council or board of aldermen of such city, and to require such railroad corporation to make such change, relocation, or abandonment, upon the order of such Railroad Commission, upon the application of such city council or board of aldermen.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of the board of managers of the Hospital for Negro Insane at Rusk, I submit for legislation the subject of appropriating an additional \$150,000.00 for the completion of the hospital provided for at the regular session of your body. It appears that the contract cannot be let by the board of managers under the present appropriation, and I am accompanying this message with a letter from the president of the board of managers and from the superintendent giving you the present status with respect to this institution.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Austin, Texas, March 7, 1918.

Hon. W. P. Hobby, Governor of
Texas, Austin, Texas.

Dear Sir: We, the board of managers of the Hospital for Negro Insane at Rusk, and the superintendent of said institution respectfully represent to your excellency that we have, after due advertisement, received bids for the construction and remodeling of said institution, and we hereby recommend to you, the Treasurer and Comptroller of Public Accounts the final letting of said general contract. The amount of the appropriation is insufficient, however, to cover the necessary cost of construction as it should be constructed, and as required by the act creating same.

Our decision to submit the situation to you and at the same time ask you to request the Legislature for an additional appropriation is controlled by your well known views in opposition to authorizing deficiencies, and with which we are in hearty accord.

We understand that when the original appropriation was made that it was estimated that it would cost three hundred thousand dollars to construct and equip the hospital. There has been a marked increase in the cost of material and labor since that time.

In our opinion an additional one hundred and fifteen thousand dollars should be appropriated to cover the whole cost of the construction

and remodeling the institution, and thirty-five thousand dollars for equipping the same. With such an appropriation as now asked for the completed plant would be worth not less than six hundred thousand dollars. If this is not done, property worth, for this necessary purpose, two hundred and fifty thousand dollars, or more, will be wholly lost to the State.

The money realized from the sale of the iron industry at Rusk, one hundred twelve thousand and five hundred dollars, would largely take care of this added appropriation, and a further sum should be realized from the sale of the box factory.

All the asylums and jails are now full of insane persons and it is imperative that this unfortunate situation be remedied at once.

Very respectfully,
The Hospital for Negro Insane.
By W. T. Norman, President of
the Board of Managers.
Chas. L. Gregory, Superintendent.

Message From the House.

Hall of House of Representatives.
Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro
Tem. of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 19, Creating the Bellville Independent School District in Austin County, Texas.

H. B. No. 40, A bill to be entitled "An Act adding to and making a part of the Port Lavaca Independent School District in Calhoun County, Texas, including the town of Port Lavaca, certain lands and territory adjoining thereto, and declaring an emergency."

H. B. No. 57, Authorizing the commissioners court of Anderson County, Texas to cancel all previous orders of said court authorizing the issuance of road bonds under provisions of Chapter 2, Title 18.

H. B. No. 59, Appropriating \$5,000. to the State Council of Defense.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, President Pro Tem. Decherd had referred, after their captions had been read, the following House bills:

H. B. No. 40, referred to the Committee on Educational Affairs.

H. E. No. 57, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 59, referred to the Committee on Finance.

Adjournment.

At 11:20 o'clock a. m. Senator Lattimore moved to recess until 2:30 o'clock today.

The motion prevailed.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Decherd, and by unanimous consent and on request of Senator Dean, stood at ease for five minutes.

Message From the House.

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem, of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House Bill No. 13, by the following vote: Yeas 97, nays 2.

Adopted Senate Concurrent Resolution No. 5, relating to the Enrolling Clerks of Senate and House making copies of all enrolled bills.

Does not concur in Senate amendments to House Bill No. 9, and requests the appointment of a Free Conference Committee. The following have been appointed on part of the House: Messrs. Cope, Veatch, Mendell, Spencer and Thomason of El Paso.

Concurs in Senate amendments to House Bill No. 18 by the following vote: Yeas 99, nays 4.

Passed

H. B. No. 45, A bill to be entitled "An Act to ratify and confirm the action of the board of commissioners of the city of Galveston, passed

March 1, 1918, conveying and releasing to the Galveston Dry Dock & Construction Co., a corporation of Galveston County, Texas, that certain area of territory in Galveston Bay being a part of what is known as Pelican Island and the flats south thereof, as fully described by metes and bounds in said act, and declaring an emergency."

Adopted House Concurrent Resolution No. 5, relating to meeting of National and State Councils of Defense at Dallas, March 12, 1918.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Bill Read and Referred.

The Chair, President Pro Tem. Decherd, had referred, after its caption had been read, the following bill.

H. B. No. 45, referred to the Committee on State Affairs.

Bills Signed.

The Chair, President Pro Tem. Decherd gave notice of signing and did sign in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 15, A bill to be entitled "An Act declaring that if any person shall knowingly, during the time the United States of America is at war, use any language in the presence and hearing of another, or of and concerning the United States of America, the entry or continuance of the United States of America in the war, or of and concerning any flag, standard, color, or ensign of the United States of America, or any imitation thereof, or that of any officer of the United States of America, and declaring an emergency."

S. B. No. 19, A bill to be entitled "An Act creating the Bellville Independent School District in Austin County, Texas."

House Bill No. 22 Set as Special Order.

By unanimous consent and on motion of Senator Alderdice, House Bill No. 22, the reclamation bill, was set

as a special order for next Tuesday at the conclusion of the morning call.

Bills and Resolutions.

(By unanimous consent.)

By Senator Johnston of Harris:

S. B. No. 27, A bill to be entitled "An Act to permit railroad corporations, by and with the permission of the Railroad Commission of Texas, and the county commissioners court of the county wherein located, to change, relocate, or abandon any portion of its line without and adjacent to the limits of any incorporated city containing 50,000 inhabitants or more according to the United States census of 1910, and to permit such railroad corporation to change, relocate or abandon any portion of its line within the limits of any incorporated city containing 50,000 inhabitants or more, by and with the permission of the Railroad Commission of Texas and the city council or board of aldermen of such city; and to require such railroad corporation to make such change, relocation or abandonment upon the order of such Railroad Commission, upon the application of such city council or board of aldermen, and providing for the exercise of the right of eminent domain to acquire right of way and depot grounds when lines are changed or relocated, and validating such changes, relocations or abandonments when heretofore authorized by the Railroad Commission of Texas; and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to the Committee on Internal Improvements.

By Senator Dean.

S. B. No. 28, A bill to be entitled "An Act creating a court to be styled the Commission of Appeals of the State of Texas, to consist of six persons, learned in the law, to be appointed by the Governor, by and with the advice of the Senate, which shall sit in two sections, known as Section A and Section B, each section consisting of three members, and who shall hold their office for two years and receive for their services a salary of \$5,000 per annum, and declaring an emergency."

Read first time and referred to the Committee on Civil Jurisprudence.

By Senator Caldwell.

S. B. No. 29, A bill to be entitled "An Act fixing the salary of the Adjutant General and making an appropriation of \$7,200.00 or so much thereof as may be necessary, out of moneys in the State Treasury for the years ending August 31, 1918 and August 31, 1919; repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

Read first time and referred to the Committee on Finance.

By Senator Strickland:

S. B. No. 30, A bill to be entitled "An Act to better provide for the location, establishment and construction of the hospital at Rusk, Texas, for the care, treatment and support of insane persons of the African race, or African descent, and to better define the property of the State at Rusk, Texas, set aside for the use of same; approving the sale of the iron industry situated on the property of the State at Rusk, and of the necessary land; and authorizing the sale of the box factory there situated and the lease of the land used by the box factory for not more than twenty-five years, and making an appropriation therefor, and to reimburse the Prison Commission for funds in their hands appropriated herein."

Read the first time and referred to the Committee on Finance.

Messages From the Governor.

The private secretary to the Governor here appeared at the bar of the Senate with several executive messages.

The same were laid before the Senate and read, as follows:

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Messrs. Poage and Henderson, I submit for your consideration an Act creating and incorporating the Highland Independent School District in McLennan County.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. R. E. Thomason, I submit for your consideration an Act to amend Chapter 88, Acts of the Regular Session of the Thirty-fifth Legislature, providing a more adequate system of laws relating to irrigation.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration an Act for the relief of the Supreme Court of Texas, authorizing the creation of a Commission of Appeals.

The very crowded condition of the docket of the Supreme Court, resulting in such delays as frequently affects large property values and defeats the ends of justice, creates the necessity for this relief. Such legislation is recommended by Hon. Nelson Phillips, Chief Justice of the Supreme Court of Texas, Hon. B. F. Looney, Attorney General of Texas, and unanimously by the Committee on Law Reforms of the Texas State Bar Association,

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration the subject of defining the jurisdiction of the Supreme Court of Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. R. L. Templeton, I submit for your consideration an Act creating

the Follett Independent School District of Lipscomb County, Texas.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: I submit for your consideration an Act providing for the appointment of official stenographers for grand juries by the judges of the district courts presiding over same, and prescribing their qualifications and duties, and providing for their compensation, and prescribing the time and method of transcribing and furnishing to the district or county attorneys of such counties or judicial districts, of the evidence and testimony adduced and given before such grand juries in the investigation of crimes and offenses coming before such bodies.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. S. J. Osborne, I submit for your consideration an Act authorizing the commissioners court of Kaufman County to unite two or more justice precincts or add any election precinct territory to a justice precinct for the purpose of electing or appointing a public weigher.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.

Austin, Texas, March 8, 1918.

To the Thirty-fifth Legislature in Fourth Called Session.

Gentlemen: At the request of Hon. Walter D. Caldwell, I submit for your consideration an Act fixing the salary of the Adjutant General and making an appropriation of \$7,200.00 or so much thereof as may be necessary, for the payment of such salary for the years ending August 31, 1919.

Respectfully submitted,

W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of
Hon. D. J. Neill, I submit for your
consideration an Act to amend road
law for Eastland County.

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

Governor's Office.
Austin, Texas, March 8, 1918.
To the Thirty-fifth Legislature in
Fourth Called Session.

Gentlemen: At the request of
Hon. W. E. Pope, I submit for your
consideration an Act regulating the
purchase of junk by persons engaged
as junk dealers or in the junk busi-
ness, providing for uniform affida-
vits of junk sellers, and for same to
be kept in well bound book, subject
to the inspection of the public, pro-
viding punishments for the violation
of same, defining terms "junk deal-
ers" and "junk business."

Respectfully submitted,
W. P. HOBBY,
Governor of Texas.

House Bill No. 9—Free Conference Committee Elected.

Senator Johnston of Harris made
the following written motion:

We move that the Senate grant the
request of the House for a Free Con-
ference Committee on House Bill No.
9, and the following be elected on
the part of the Senate: Lattimore,
Dean, Bee, Buchanan of Bell, Hen-
derson.

BUCHANAN of Scurry.
JOHNSTON of Harris.

The motion was read and Senator
Floyd offered the following substi-
tute.

I move that the Senate accede to
the request of the House for a free
conference on House Bill No. 9 and
that the following be elected on the
part of the Senate: Bee, Page, Lat-
timore, Westbrook and Collins.

FLOYD.

The substitute was read and lost
by the following vote:

Yeas—5.

Buchanan of Bell, Floyd.

Johnson of Hall. Suiter.
McNealus.

Nays—11.

Bee.	Henderson.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Page.
Decherd.	Parr.
Faust.	Strickland.
Hall.	

Present—Not Voting.

Alderdice.	Dean.
Collins.	Lattimore.

Absent.

Bailey.	Hopkins.
Clark.	Robbins.
Dayton.	Westbrook.
Gibson.	Woodward.

Absent—Excused.

Hudspeth.	Smith.
McCollum.	

Action then recurred upon the
written motion of Senator Johnston
and the same was adopted.

House Bill No. 31.

The Chair laid before the Senate
on second reading:

H. B. No. 31, A bill to be entitled
"An Act to establish Common School
District No. 19 in Dickens County,
Texas, etc., and declaring an emer-
gency."

The Senate rule requiring commit-
tee reports to lie over one day was
suspended.

The committee report that the bill
be not printed was adopted.

The bill was read second time and
passed to its third reading.

On motion of Senator Johnson of
Hall, the constitutional rule requir-
ing bills to be read on three several
days was suspended and House Bill
No. 31 put on its third reading and
final passage by the following vote:

Yeas—23.

Alderdice.	Decherd.
Bee.	Faust.
Buchanan of Bell.	Floyd.
Buchanan of Scurry.	Hall.
Caldwell.	Henderson.
Collins.	Hopkins.
Dayton.	Johnson of Hall.
Dean.	Johnston of Harris.

Lattimore.
McNealus.
Page.
Parr.

Robbins.
Strickland.
Suiter.

Absent.

Clark.
Gibson.

Westbrook.
Woodward.

Absent—Excused.

Bailey.
Hudspeth.

McCollum.
Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Johnson of Hall, was passed by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.

Absent.

Clark.
Gibson.

Woodward.

Absent—Excused.

Bailey.
Hudspeth.

McCollum.
Smith.

House Bill No. 34.

The Chair laid before the Senate on second reading:

H. B. No. 34, A bill to be entitled "An Act to amend Chapter 4, of the Laws of the Regular Session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose same; attaching the unorganized counties of Hockley and Cochran to the county of Lubbock for judicial and all other purposes, making process issued or served before this Act takes effect, including recognizance and bonds returnable to the terms of court as herein fixed, and from all grand and petit juries

drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 33 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.

Absent.

Clark.
Gibson.

Woodward.

Absent—Excused.

Bailey.
Hudspeth.

McCollum.
Smith.

The bill was laid before the Senate, read third time and, on motion of Senator Buchanan of Scurry, was passed by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	Lattimore.
Collins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Faust.	Strickland.
Floyd.	Suiter.
Hall.	Westbrook.

Absent.

Clark.
Gibson.

Woodward.

Absent—Excused.

Bailey.	McCollum.
Hudspeth.	Smith.

Senate Concurrent Resolution No. 7.

(By unanimous consent.)

Resolved by the Senate, the House of Representatives concurring, that the Sergeant-at-Arms of the House, and the Sergeant-at-Arms of the Senate be directed to deliver all waste paper to the Austin Chapter of the Red Cross Society.

CALDWELL.

The resolution was read and adopted.

Adjournment.

At 3:30 o'clock p. m. Senator McNealus moved that the Senate adjourn until 10 o'clock next Monday morning.

The motion prevailed.

APPENDIX.

Petitions and Memorials.

Senators, Hopkins, Buchanan or Scurry, Clark, Alderdice, and Dean, each offered several petitions from citizens opposing any amendment of the Terrell Election Law.

Senator Buchanan of Bell presented a telegram from the President of the Chamber of Commerce, Waco, denying charges made as to prevalence of bootlegging in that city.

The Chair offered a telegram from McBride and Law, shipbuilders of Beaumont, favoring State and National prohibition.

The Chair presented four telegrams from Houston favoring the suffrage bill.

By unanimous consent, Senator Strickland offered the following which was ordered printed in full in the Journal:

Statement to the Public

In view of certain statements made in the press of Texas regarding the action of the Travis County Grand Jury in bringing certain indictments against James E. Ferguson which

were later quashed by the district judge on the motion of the district attorney, the members of the grand jury concerned have issued the following statement which they trust will be read by the people of Texas in order that justice may be done men who were acting in obedience to their oaths in bringing said indictments.

A. C. GOETH,
M. C. ABRAMS,
Foremen.

March 8, 1918.

Many false statements have been made and are being circulated with reference to the Travis County grand jury that indicted James E. Ferguson, and certain other heads of State departments for misapplying and misusing the public funds. In order that the people may better understand these matters and not be deceived by the infamous falsehoods in regard thereto, some of the facts are briefly submitted by the undersigned members of said grand jury. The men who composed this grand jury were chosen by three honest and impartial jury commissioners, last March—long before the impeachment issues developed. Those jury commissioners were appointed by the same district judge who entered his orders dismissing the cases. No political frame-up there. The grand jurors were guided solely by their oaths, the law and the plain, undisputed facts. No preachers, no lawyers, and no teachers appeared before this grand jury to testify against the accused and no such persons ever exerted, or attempted to exert any influence upon the grand jury against any of the persons indicted.

When this grand jury was impaneled, the district judge gave explicit instructions to investigate the State departments. Such investigation was conscientiously begun and impartially conducted. From the first, it was apparent that the district attorney was not in sympathy with the proceedings, and he soon clearly displayed his partisan bias in favor of Ferguson. Under the circumstances, it was but natural that his opinions as to the law and facts would not be given preference over those of the county attorney and Attorney General's department. However, the le-

gal opinions of lawyers were unnecessary for the average layman can interpret the clearly stated criminal statutes in question without danger of committing an error.

Article 97, Penal Code. "Using Public Funds."—Within the term "misapplication of public money" are included the following acts:

1. "The use of any public money in the hands of any officer of the Government, for any purpose whatsoever, save that of transmitting or transporting the same to the seat of government, and its payment into the Treasury."

2. Depositing Public Funds Elsewhere than in the Treasury.—"The deposit, by any officer of the Government, of public money in his hands at any other place than the Treasury of the State, when the Treasury is accessible and open for business, or permitting the same to remain on deposit at such forbidden place after the Treasury is open."

6. Failure to Pay into the Treasury at Proper Time.—"The wilful failure of any officer to pay into the State Treasury, at the time prescribed by law, whatever funds he may have on hand."

Each of said bills found by this grand jury was based upon an abundance of evidence and ample law. Much of the strongest evidence which the grand jury had as the basis for these indictments can not be publicly disclosed, because of legal restrictions. It may be stated, however, that the bank records exhibited in the legislative investigation show that each of the persons so indicted had deposited public funds in the Temple State Bank and other banks, and had permitted such funds to remain on deposit in said banks. It was admitted by Ferguson that this was true and that the State Treasury was open every week day during the whole time. In the light of such indisputable facts, under the law, and in accordance with the oath taken, no honest grand juror had any choice but to return these indictments. No member of this grand jury has ever stated that he did not vote for all of these indictments, and none will so state.

In his motion to dismiss the cases and the accompanying statements, the district attorney claimed that he advised the grand jury that the

venue could not be fixed in Travis County and that sufficient evidence could not be had to procure convictions. He also stated that he told the grand jury the notary public who certified under his seal of office that Woodman subscribed and swore to the false accounts against the State ought to have been summoned. The district attorney did not, in our hearing, make such statement to the grand jury and he did not give the advice as claimed or take the position stated. He did claim that, after diligent search, he was unable to find any law in the Penal Code upon which to base the indictment for diversion of the public funds, but his attention was promptly called to Article 104.—Diverting Special Fund—"If any person shall knowingly and willfully borrow, withhold or in any manner divert from its purpose, any special fund or any part thereof, belonging to or under the control of the State, which has been set apart by law for a specific use, he shall be punished by confinement in the penitentiary for a term not less than two years nor more than ten years."

After having been given information as to the proceedings by the district attorney, James E. Ferguson voluntarily appeared before the grand jury (accompanied by his coterie of armed rangers), and he did not, while before this body at any time, for one moment, claim nor intimate that the \$5,600 which had been used in the payment of his personal note and interest for said amount, had been paid without his knowledge or consent, or that it had been taken from the wrong deposit.

Since the dismissal of these cases upon alleged technical grounds, the district judge has admitted that he did not know the facts involved and that he did not have any evidence brought before him, but accepted and acted upon the ex parte statements of the district attorney. The district attorney did not state fully to the court all the true facts in these cases.

This statement is presented by men who are conscious that they were not at that time, actuated by political or other improper motives nor influenced by any outside persons or considerations whatsoever. It is submitted that the truth may be known;

that justice may be done, and that right shall finally triumph.

As an evidence of our utmost good faith in the premises, we subscribe our names hereto and solemnly swear that the foregoing statement of facts is true and correct.

M. C. Abrams, Foreman, farmer; J. H. W. Williams, real estate dealer; W. D. Bowman, farmer; F. W. Hill, farmer; O. T. Martin, farmer; Sam Young, farmer; W. F. Lindahl, merchant; Frank Doherty, farmer; A. C. Goeth, Foreman, merchant; E. H. Vance, farmer.

Subscribed and sworn to before me on this 8th day of March, A. D. 1918,

W. R. SCRUGGS,
Notary Public, Travis County, Texas.

Engrossing Committee Report.

Committee Room,
Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Engrossed Bills has had Senate Bill No. 20 carefully compared, and finds the same correctly engrossed.

ALDERDICE, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

S. B. No. 31, A bill to be entitled "An Act to establish Common School District No. 19, in Dickens County, Texas, so as to include certain lands heretofore in Common School District No. 1, of said Dickens County, Texas, provided that such lands as may be hereafter included in Common School District No. 19 shall continue to be subject to taxation for the payment of the principal and interest, and creating a sinking fund of any bonds that may have heretofore been issued by the said Common School District No. 1, and remaining unpaid; conferring upon said Common School District No. 19 all authority now conferred by the General Laws of the State of Texas

upon common school districts, and placing the affairs of said district in a board of trustees to be composed of three members and conferring upon the county judge of said Dickens County, Texas, to appoint three trustees for said Common School District No. 19, one of whom shall hold office until May 1, 1919, or until his successor has been duly elected and qualified, and the others shall hold office until May 1, 1920, or until their successors are duly elected and qualified, and thereafter to be elected as directed by the statute governing common school districts; and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

BEE, Chairman.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Judicial Districts, to whom was referred

H. B. No. 34, A bill to be entitled "An Act to amend Chapter 4, of the Laws of the Regular Session of the Thirty-third Legislature, so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose same, attaching the unorganized counties of Hockley and Cochran to the County of Lubbock for judicial and all other purposes; making process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court as herein fixed, and conform all grand and petit juries drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Buchanan of Scurry, Parr, Dean, Sniter, Henderson, Johnston of Harris, Hall.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 24, A bill to be entitled "An Act to amend Article 637d of Section 2, Chapter 203, General Laws of the Regular Session of the Thirty-fifth Legislature, prohibiting overlapping road districts and requiring the commissioners courts in case one road district conflicts with or overlaps another road district, to pass an order correctly redefining it, etc., and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Buchanan of Scurry, Floyd, Gibson.

(Floor Report.)

Senate Chamber.

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 25, A bill to be entitled "An Act to authorize and empower the Commissioners Court of Anderson County, Texas to cancel and revoke all previous orders of said court authorizing the issuance of road bonds under the provisions of Chapter 2, Title 18, of the Revised Civil Statutes of Texas, and under all acts amendatory thereof, and to annul the bond election at which such bonds were voted, where such bonds or the transcripts thereof have been disapproved by the Attorney General or where such bonds cannot be legally issued and offered for sale and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

Caldwell, Chairman; Buchanan of Scurry, Floyd, Strickland, Gibson.

Committee Room,

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred S. B. No. 26, A bill to be entitled "An Act to amend Article 2758, Chapter 12, Title 48, of the Revised Civil Statutes of the State of Texas, 1911, relating to the salaries of county superintendents of public instruction, increasing the salaries of said county superintendents, providing for office expenses, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate, with the recommendation that it do pass, and be not printed.

BEE, Chairman.

Committee Room.

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Public Debts, Claims and Accounts, to whom was referred

S. B. No. 23, A bill to be entitled "An Act to amend Section 15, Chapter 5, of the Acts of the First Called Session of the Thirty-fourth Legislature of the State of Texas which Act was entitled 'An Act regulating the business of co-operative savings and contract loan companies,' so that hereafter such companies may invest their funds in mortgages which shall be a first lien on real estate located in any State of the United States of America, and further permitting such companies to invest their funds in Liberty bonds and other certificates of indebtedness which have or may hereafter be authorized by the United States Congress; and declaring an emergency,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

Committee Room.

Austin, Texas, March 8, 1918.

Hon. E. A. Decherd, President Pro Tem. of the Senate.

Sir: Your Committee on Internal

Improvements, to whom was referred

S. B. No. 22, A bill to be entitled "An Act to provide for the creation of conservation and reclamation districts within this State under and by virtue of the provisions of Section 59 of Article 16 of the State Constitution, to be known as levee improvement districts, for the purpose of reclaiming lands from overflow from rivers, creeks and streams, by systems of levees, drainage and other improvements, prescribing how such districts may be created; defining their rights, powers and privileges, and the manner of their exercise; constituting such districts when created governmental agencies and bodies politic and corporate, and fixing their rights and liabilities as such; providing for the construction, maintenance, and protection of works and improvements erected by them; making penal interference with or injury to their works or improvements, and fixing penalties and punishment to be imposed on persons offending those regards, as well as for building levees without lawful authority; granting to such districts the right of eminent domain, and the power to levy taxes and cause the same to be assessed and collected, and to issue bonds and create indebtedness to raise funds for the objects of their creation, and declaring an emergency,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

JOHNSON of Hall,
Chairman.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,
Monday, March 11, 1918.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Decherd.

By unanimous consent, and on request of Senator Westbrook, the Senate stood at ease for fifteen minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Clark.	McNealus.
Collins.	Page.
Dean.	Robbins.
Decherd.	Strickland.
Faust.	Suiter.
Floyd.	Westbrook.

Absent.

Caldwell.	Parr.
Gibson.	Woodward.

Absent—Excused.

Dayton.	McCollum.
Hudspeth.	Smith.
Lattimore.	

Prayer by the Chaplain.

Pending the reading of the Journal of Friday, the same was dispensed with on motion of Senator Johnson of Hall.

Excused.

Senator Dayton was excused for today on account of sickness, on motion of Senator Johnson of Hall.

Senator Lattimore for today on account of important business on motion of Senator Johnson of Hall.

Senator McCollum for this week on account of important business on motion of Senator Bee.

Petitions and Memorials.

Senator Bailey obtained recognition to file some petitions relating to amendment of the election laws of the State.

Senator McNealus made the point of order that the petitions are not receivable for the reason that they do not relate to any matter pending before the Legislature.

The Chair overruled the point of order holding that the right of petition is guaranteed under the Constitution of the State.

See Appendix for statement of petitions offered.

Committee Reports.

See Appendix for standing committee reports.